

LAKESHA SMITH,

Plaintiff,

v.

CV417-116

ST. JOSEPH'S/CANDLER,

Defendant.

AMMENDMENT TO WRONGFUL TERMINATION COMPLAINT

On March 20, 2014, I slipped in wax while I was working on the job at St. Joseph's hospital. Multiple injuries were sustained. The workers comp physician, Dr. Holtzclaw, deemed me unfit for duty. Physical therapy was ordered for a couple of weeks. I returned to work on light duty on April 14, 2014. Pain and lightheadedness didn't allow me to work the next day. I saw my primary physician on April 15, 2014 and was sent to the emergency physician from there. On April 16, 2014, I was treated by Dr. Holtzclaw and deemed unfit for duty due to pain, weakness, tingling, and numbness in my right leg. Pain was also present in the lumbar area of my back.

Human Resources sent a few letters for me to take FMLA leave. I received workers compensation payments from April 2014 until May 2014. On April 27, 2014, Dr. Holtzclaw's assistant released me back to work on full duty notifying me that my problem was out of his scope of practice. The physician assistant notified me that I needed to see a neurologist for this condition. As this time, I was still experiencing numbness, tingling, weakness, and pain in my right leg. I asked Dr. Holtzclaw's assistant for a referral to see a neurologist. Dr. Holtzclaw's assistant instructed me to ask worker's comp for a referral to a neurologist. I asked the worker's compensation nurses about being referred to a neurologist and I was told that I could see a neurologist but, through my primary physician's referral.

I filled out the FMLA paperwork that was mailed to me from human resources at St. Joseph's hospital. (See Exhibit A and B) My manager, Leigh Craft, also approved and signed this form on April 30, 2014. Human Resources received this paperwork. This paperwork stated I was going on a FMLA leave for a work-related injury. No hours of FMLA were used per Exhibit A. I received a call from the workers compensation nurses on May 1st and I informed the nurses that I decided to take a leave due to safety protocols. After hanging up from this conversation, another conference call came through minutes afterward. I was then notified on the same day, May 1, 2014 by workers compensation nurses from Candler Hospital via conference call that I had completed the wrong document. I was sent Exhibit B with changes that I questioned when

I returned the paperwork, but was told that this was the only way to take the FMLA leave. The new form was the same exact form but, it was no longer a work- related injury. This form also stated I only had 240 FMLA hours available.

My primary physician referred me to a neurologist. The neurologist filled out the necessary documents for human resources within the 15 days of me taking the leave. The last excuse given to me from my neurologist was on 6/27/2014. The neurologist letter notified the office to contact his office with any questions concerning me. (Exhibit C) Human Resources at St. Joseph's hospital received this letter on 6/27/2014. I received a call from my supervisor, Leigh Craft, on 7/3/2014. Mrs. Craft proceeded to ask questions about me possibly having surgery and the doctor's next steps. These were questions I honestly could not answer for Mrs. Craft. My physician's office was communicating with human resources but, my supervisor was requesting additional details. Mrs. Craft notified me that I was terminated at that very moment. She notified me that she needed to replace me due to being short staffed. I asked Mrs. Leigh could she just terminate me from her department and leave me within the system to take whatever job is available. She replied to me in an aggressive tone of voice saying no. She notified me that she would have to terminate me from both the system and her department. She told me to call her when I was ready to return and she would rehire me. I received a termination letter from Leigh Craft dated July 11 (Exhibit D) and a separation letter from the hospital followed this a couple of days later. (Exhibit E)

I was an employee of St. Joseph's/ Candler hospital from 10/1998 until 07/2014. I have successfully worked multiple departments within the system. Progressive care unit, laboratory, float pool, pediatrics, and orthopedics were all units I have notably worked. I have never had a disciplinary action or complaint during my service. Due to the fall, I have had two surgeries (right wrist and right knee) and I am awaiting insurance approval for an MRI on my back.

After reviewing the information, there is nothing to indicate why I was terminated in this manner while I was still under the physician's care.

Lakosh Dutt